

ORDINANCE NO. O2014-006

AN ORDINANCE of the City Council of the City of Tumwater, Washington, amending Chapter 18.44 of the Tumwater Municipal Code related to signage and the provision of standards for the siting of street banners within the public right-of-way (amending Ordinance Nos. O2009-004, O2006-034, O2000-004, O96-022, O95-035, O94-018, Ord. 883).

WHEREAS the City of Tumwater has adopted a Comprehensive Plan in accordance with the State Growth Management Act (GMA); and

WHEREAS the GMA requires that the City of Tumwater adopt development regulations, including zoning, that are consistent with and implement its Comprehensive Plan; and

WHEREAS the City of Tumwater has prepared the amendments to the Municipal Code that are included in this ordinance, in accordance with the City of Tumwater Citizen Participation and Intergovernmental Coordination Policy (Resolution No. 418); and

WHEREAS these amendments meet the intent of and are consistent with the State Environmental Policy Act, the Washington State Growth Management Act, County-wide Planning Policies, and internal goals and policies of the Tumwater Comprehensive Plan; and

WHEREAS, the City of Tumwater forwarded the amendment to the Washington State Department of Commerce for review, as required by RCW 36.70A.106; who acknowledged receiving the amendment on May 1, 2014; and

WHEREAS a Determination of Nonsignificance was issued on May 13, 2014, in accordance with the State Environmental Policy Act (SEPA) (chapter 43.21C RCW) and in compliance with Chapter 16.04 of the Tumwater Municipal Code; and

WHEREAS the Attorney General Advisory Memorandum: Avoiding Unconstitutional Takings of Private Property (Dec. 2006) was reviewed and utilized by the City in objectively evaluating the amendments proposed by this ordinance; and

WHEREAS the City of Tumwater intends to increase tourism and advertising for community events occurring in Tumwater through street banners suspended over a city street and mounted on either side to city owned banner mounting facilities; and

WHEREAS the Tumwater Planning Commission held a public hearing on May 13, 2014, and considered all testimony and evidence before making a recommendation to City Council; and

WHEREAS the Tumwater City Council, after considering all of the testimony and evidence, finds that the amendments support the health, safety and welfare and are in the best interests of the residents of the City of Tumwater.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF TUMWATER, STATE OF WASHINGTON, DOES ORDAIN AS FOLLOWS:

Section 1. Section 18.44.015 of the Tumwater Municipal Code is hereby amended to read as follows:

18.44.015 Definitions.

Definitions as used in this chapter, unless additional meaning clearly appears from the context, shall have the following meanings:

A. "A-board sign" or "sandwich board sign" means a portable sign consisting of two sign faces hinged at the top and separated at the bottom to make itself standing.

B. "Advertising vehicle" means any vehicle or trailer placed on a public right-of-way, on public property, or on private property, having attached thereto or located thereon any sign or advertising device which advertises a product, business or service, or directs people to a business or activity located on the same or nearby property or any premises. This provision is not to be construed as prohibiting the identification of a firm or its principal products on a vehicle operated during the normal course of business. Franchised buses or taxis are specifically excluded from this definition.

C. "Awning" means a rigid shelter that projects outward from a building and has a cloth or lightweight cover, through which light cannot pass.

D. "Awning, illuminated" means a rigid shelter that projects outward from a building and has a cloth or lightweight cover, which is designed to be illuminated from within.

E. "Banner" means any sign of lightweight fabric or similar material.

F. "Business day" means any day other than Saturday, Sunday, or a legal holiday.

G. "Canopy" means a rigid shelter that projects outward from a building and has a rigid cover.

H. "Corporate flag" means a flag that carries a logo, trademark or corporate seal of a company or organization and does not carry another commercial message.

I. "Exterior wall" means any wall or element of a wall or any member or group of members which defines the exterior boundaries or courts of a building and which has a slope of sixty degrees or greater with the horizontal plane.

J. "Fascia" means any relatively narrow vertical surface that is projected or cantilevered or supported on columns or on an element other than a wall below.

K. "Flag" means a piece of cloth, attached to a staff or pole, with distinctive colors, patterns or symbolic devices, used as a symbol for a government, corporation, or other organization.

L. "Freestanding sign" means any sign which is supported by one or more uprights, poles or braces permanently mounted in or upon the ground.

M. "Hours of operation" means the actual hours when the building is open for business or in preparation of opening or closing.

N. "Indirect lighting" means a method of illuminating signs in which light shines onto the sign from a light source not visible from public view.

O. "Industrial park" means a multiple building complex.

P. "Inflatable signs" means balloons or other gas-filled figures. For purposes of this section, inflatable signs shall be treated as temporary signs.

Q. "Mansard roof" means a roof or roof-like facade with a slope of sixty degrees or more from the horizontal and architecturally able to be treated as a building wall.

R. "Monument sign" means a freestanding sign in which the entire bottom of the sign is mounted on and permanently attached to the ground. A monument sign shall not be more than six feet in height.

S. "Multiple building complex" means a group of two or more commercial or industrial structures sharing a common development plan.

T. "Multiple tenant building" means a single structure housing two or more commercial or industrial businesses that share the same lot, access and/or parking facilities.

U. "Off-premises sign" means any sign used for the purpose of identifying or directing attention to a business, product or service not located on the lot where such sign is displayed.

V. "Parapet wall" means that part of any wall entirely above the roofline.

W. "Pedestrian-oriented sign" means any sign intended to attract pedestrian traffic that is at a ninety-degree angle to the adjacent building face. The sign may either be suspended beneath a pedestrian weather protection structure or be attached to and project from the building wall.

X. "Pennants" means any lightweight plastic, fabric, or other material, whether or not containing a message of any kind, suspended from a rope, wire, string, or other device, usually in series, designed to move in the wind.

Y. "Point-of-purchase sign" means any exterior sign that suggests a specific product or service being available for purchase at or near the sign location. An example of this type of sign is a menu board at a drive-up window.

Z. "Public facade" means any side of a commercial building having a doorway open for regular ingress and egress by customers. For purposes of determining sign size allowances on multiple tenant facilities having individual entrances for businesses, the "public facade" of a particular business shall mean that portion of the total public facade upon which the business has frontage.

AA. "Ribbons" has the same meaning as pennants.

BB. "Roofline" means where a wall meets the roof.

CC. "Shopping center" means multiple building complex.

DD. "Sign" means any visual communication device, structure or fixture that is intended to aid an establishment in identification and to advertise and/or promote a business, service, activity or interest. A sign shall not be considered to be a building or structural design, but shall be restricted solely to graphics, symbols or written copy that is meant to be used in the aforementioned way set forth in this section.

EE. "Sign of an official nature" means any sign posted by a local government agency that is necessary to protect and regulate the public health, safety and welfare. Such signs include traffic or pedestrian directional and control signs, public safety warnings or hazards signs, and official public notice signs.

FF. "Sign structure" means any structure that supports or is capable of supporting any sign defined in this code.

GG. "Streamers" has the same meaning as pennants.

HH. "Street Banner" means a banner advertising a community event occurring in Tumwater or an event funded by the Tumwater lodging tax intended to increase tourism and advertise events for the enjoyment of the community that is suspended over a city street and mounted on either side to city owned banner mounting facilities in compliance with the Tumwater Street Banner Policy.

HH-II. "Temporary sign" means any sign, banner, pennant, valance, or advertising display constructed of cloth, canvas, light fabric, cardboard, wall board or other light materials, with or without frames, intended to be displayed for a limited period of time only.

II-JJ. "Translucent panels" means a method of illuminating signs in which the light source is obscured from view by a panel that allows light to pass through but diffuses it so that the lighting source cannot be distinguished.

JJ-KK. "Valance" means the leading edge or vertical surface of an awning or canopy.

KK-LL. "Wall sign" means any sign attached to or painted directly on a wall, or erected against a wall of a building being parallel to said wall; and does not exceed a distance of fifteen inches from said wall.

(Ord. O2009-004, Amended, 05/19/2009; Ord. O2006-034, Amended, 07/17/2007; Ord. O2000-004, Amended, 07/18/2000; Ord. O96-022, Amended, 12/17/1996; Ord. O95-035, Amended, 12/19/1995; Ord. O94-018, Added, 07/19/1994).

Section 2. Section 18.44.080 of the Tumwater Municipal Code is hereby amended to read as follows:

18.44.080 Prohibited signs.

The following signs are prohibited:

A. Signs which are of a size, location, movement, content, coloring or manner of illumination which may be confused with or construed as a traffic-control device or

which hides from view any traffic or street sign or signal, or which obstructs the view in any direction at a street or road intersection;

B. Signs which purport to be, or are, an imitation of, or resemble an official traffic sign or signal, and which bear the words “stop,” “caution,” “danger,” “warning,” or similar words;

C. Signs which contain or consist of spinners, strings of light bulbs, blinking or fluctuating lights, or other similar or moving devices, except public service signs, or changing message center signs which show time and temperature only;

D. Signs which are pasted or attached to utility poles, trees, other signs, rocks, or other natural features. This is not intended to prohibit the use of engraved rocks as monument signs.

E. Except as provided in TMC 18.44.075, any sign which is not permanently anchored or affixed to the ground, structure or building, including any sign displayed on an abandoned vehicle or trailer. This regulation shall not be deemed to prohibit advertising on moving vehicles on public streets;

F. Signs erected upon, against or directly above the roof or on top of or above the parapet of a building, or located on any portion of a parapet which is located more than twenty-four inches higher than the main roofline of a building (for the purposes of this section, the face of a mansard roof or fascia shall not be considered to be a part of the roof);

G. Signs which are the primary use of the land on which they are located, except those allowed under this chapter, except also those allowed by conditional use permit;

H. Any sign or illumination that causes any direct glare into or upon any building other than the building to which the sign may be related;

I. Signs which are located upon or projecting over public streets, sidewalks or rights-of-way, except ~~those~~ signs of an official nature, or Street Banners.

J. Signs which are attached to fences, except those signs erected in conformance with TMC 11.20.100(G) and 18.44.070(G); and

K. Freestanding signs which are greater than thirty feet in height. (Ord. O2006-034, Amended, 07/17/2007; Ord. O95-035, Amended, 12/19/1995; Ord. O94-018, Amended, 07/19/1994; Ord. 883, Added, 05/06/1984)

Section 3. Corrections. The City Clerk and codifiers of this ordinance are authorized to make necessary corrections to this ordinance including, but not limited to, the correction of scrivener/clerical errors, references, ordinance numbering, section/subsection numbers and any references thereto.

Section 4. Ratification. Any act consistent with the authority and prior to the effective date of this ordinance is hereby ratified and affirmed.

Section 5. Severability. The provisions of this ordinance are declared separate and severable. The invalidity of any clause, sentence, paragraph, subdivision, section, or portion of this ordinance or the invalidity of the application thereof to any person or circumstance, shall not affect the validity of the remainder of the ordinance, or the validity of its application to other persons or circumstances.

Section 6. Effective Date. This ordinance shall become effective thirty (30) days after passage, approval and publication as provided by law.

ADOPTED this 17th day of June, 2014.

CITY OF TUMWATER

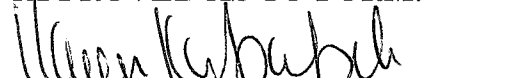


Pete Kmet, Mayor

ATTEST:


Melody Valiant, City Clerk

APPROVED AS TO FORM:


Karen Kirkpatrick, City Attorney

Published: 6-19-2014

Effective Date: 7-19-2014